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James Boice Esq Dillon & Yudall LLP 8911 North Capital Of Texas Highway Suite 2110 Austin, TX 78759			STELLMAN, MARY J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/942,512	CORRAL, DAVID PEREZ
	Examiner	Art Unit
	Mary J. Steelman	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 November 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-15,17 and 18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,3-15,17 and 18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 01 November 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: Copy of accepted drawings.

DETAILED ACTION

1. This Office Action is in response to Amendment and Remarks received 1 November 2004. Per Applicant's request, claims 1, 3, 4, 7, 9, 11, 13, 14, 15, and 17 are amended. Claims 2 and 16 are canceled. Claim 18 has been added. Claims 1, 3-15, 17, and 18 are pending.

Specification

2. Per Applicant's request, the Specification has been amended.

Drawings

3. In view of the submission of Replacement Drawings, the prior objections are hereby withdrawn.

Claim Rejections - 35 USC § 101

4. In view of the cancellation of claim 16, the prior 35 USC 101 rejection is hereby withdrawn.

Claim Rejections - 35 USC § 112

5. In view of the cancellation of claim 16, the prior 35 USC 112 rejection is hereby withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4-10, 12-15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,799,286 to Morgan et al., in view of US Patent 6,088,717 to Reed et al.

Per claim 1:

A computer implemented method for operating a quality plan in a product development organization comprising a plurality of members and having quality objectives for product development projects, the method comprising the steps of:

(Morgan: Col. 1, lines 66-67, "...an automated activity-based management system (product development organization) and method...", col. 2, lines 1-2, "The business organization has costs associated with its people (plurality of members)...", col. 4, lines 5-11, "The automated activity based management system also includes an on-line reporting feature, which may generate predefined or user-defined reports on a periodic basis or on demand. Examples of the many types of reports available may include trend, forecast, benchmark, site comparison, standard service, activity output, matrix, quality (quality plan), and value-added reports (quality objectives).")

-defining a set quality processes adapted to quality objectives required by an organization, wherein the set of quality processes includes:

(Morgan: Col. 17, lines 26-31, "The automated activity-based management system may generate a number of different reports summarizing information for many business purposes. Examples of the types of reports available are:...quality...", col. 18, lines 44-63, "Quality

Benchmark...Site Trend Quality Reports...Site Comparison Quality Reports...Consolidated Trend Quality Reports...” Quality processes are defined in the quality reports.)

-a tracking process for identifying an issue in the product development projects...

Morgan disclosed, (Col. 4, lines 40-43), “Constructed in this manner, the activity-based management system is a flexible tool that not only tracks (tracking process) current operational performance (tracking process), but also provides the information for forecasts or budgets (identifying an issue).”, col. 6, lines 43-47, “...the user enters the target or goal cost per unit of each product (product development projects). This input may be used to gauge the performance of the management organization.”, col. 7, lines 35-36, “...employees may use a time tracking software program (tracking process for identifying an issue)...”

-... the tracking process being an internal project management tracking process that reports a status of current risks according to a priority of a risk issue and a target date for resolution of the risk issue:

Morgan disclosed, col. 4, lines 5-11, “The automated activity-based management system also includes an on-line reporting feature, which may generate predefined or user-defined reports (reports a status of current risks) on a periodic basis or on demand. Examples of the many types of reports available may include trend, forecast (target dates), benchmark (priority of a risk issue & target date for resolution), site comparison, standard service, activity output, matrix, quality (current risks), and value-added reports.

-a daily headlights reporting for providing communications among members of the organization...

Morgan disclosed, (Col. 5, lines 4-6), "The reports are customized (daily / consolidated to weekly reports) to provide different levels of granularity of details to cater to the needs of different levels of personnel (members of the organization)",

.... wherein the daily headlights reporting process includes a headlight report being generated by a team leader, the headlight report including achievements of a day, changes to a project-plan; assistance needed for a project and potential catastrophes associated with the project and wherein a quality management office consolidates the headlight reports daily into a single executive report and wherein issue records are created daily from the consolidated headlight reports to initiate corrective actions to the project and wherein the executive reports are consolidated weekly into a summary report;

Morgan broadly disclosed, (col. 4, lines 5-11), "The automated activity-based management system also includes an on-line reporting feature, which may generate predefined or user-defined reports (headlight report being generated by a team leader, the headlight report including achievements of a day, changes to a project-plan; assistance needed for a project and potential catastrophes) (consolidates the headlight reports daily into a single executive report) on a periodic basis (issue records are created daily) (executive reports are consolidated weekly into a summary report) or on demand. Examples of the many types of reports available may include trend, forecast, benchmark (priority of a risk issue & target date for resolution), site comparison,

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standard service, activity output, matrix, quality (initiate corrective actions), and value-added reports.

-a documentation process for reviewing and accepting documents generated by the product development projects;

Morgan broadly disclosed (Col. 4, lines 5-11), “The automated activity-based management system also includes an on-line reporting feature, which may generate predefined or use-defined reports (reviewing and accepting documents) on a periodic basis or on demand. Examples of the many types of reports available may include trend, forecast, benchmark, site comparison, standard service, activity output, matrix, quality, and value-added reports.”)

-an inspection process for determining deliverables generated by the product development projects to be reworked;

Morgan disclosed (Col. 18, lines 43-63), “Quality Benchmark...Site Trend Quality Reports- Details a site’s costs by quality attribute for any number of months. Users can track the results of quality initiatives that have been implemented. Users can view the individual activities/costs that contribute to a selected quality attribute in order to pinpoint opportunities for quality improvements (inspect / determine rework)...” Morgan broadly disclosed (Col. 4, lines 5-11), “The automated activity-based management system also includes an on-line reporting feature, which may generate predefined or use-defined reports on a periodic basis or on demand.

Examples of the many types of reports available may include trend, forecast, benchmark, site comparison, standard service, activity output, matrix, quality (inspection process for determining

deliverables generated by the product development projects to be reworked), and value-added reports.”)

-a metrics process for producing metrics for the data relative to the product development projects;

Morgan disclosed (Col. 8, line 5-7), “As related to production measurement (metrics)...”

Morgan considered metrics at col. 6, lines 43-47, “...the target or goal cost per unit (metrics for the data relative to the product development projects) of each product...input may be used to gauge the performance of the management organization...”

-defining a set of computer implemented quality tools to collect data relative product development projects, said quality tools comprising at least one database to store said collected data;

Morgan disclosed (col. 2, lines 19-25), “The system includes a relational database which receives traditional accounting information and accepts information related to activities (quality tools to collect data) provided by the users. The activity information includes the activities performed, the percentage of time each activity is performed...”, col. 4, lines 40-43, “Constructed in this manner, the activity-based management system is a flexible tool (computer implemented quality tools)...”)

-for each quality process, aggregating a set of the stored data to generate a respective quality report;

(Morgan: col. 3, line 47-49, "At the heart of the system is a relational database with organized data structures containing raw business data and processed activity cost information...", col. 4, lines 5-11, "The automated activity-based management system also includes an on-line reporting feature (aggregating a set of the stored data to generate a respective quality report) which may generate predefined or user-defined reports on a periodic basis or on demand. Examples of the many types of reports available may include trend, forecast, benchmark, site comparison, standard service, activity output, matrix, quality, and value-added reports.")

-analyzing each quality report to detect problems in the product development projects;

(Morgan: col. 4, lines 22-26, "The activity-based management view maps these same expenditures to activities such as...problem resolution (analyzing to detect problems)...")

-using results of the analyzing step to initiate actions to resolve the problems detected, thereby improving quality the product development projects.

(Morgan: Col. 4, line 25, "...problem resolution (using results of the analyzing step to initiate actions to resolve the problems)...")

Regarding the limitation:

-a meeting set-up and reporting process for preparing and conducting meetings among a plurality of members of the organization;

Morgan failed to address "meeting set-ups... for preparing and conducting meetings" in product development processes. However, Reed disclosed an automated communications system,

involving the use of databases (col. 12, line 1), using a “pushing” method of information transfer or a “pulling” method for data communications (col. 12, lines 50-63). See FIG. 47 and col. 142, line 50-col. 143, line 58 for a disclosure of scheduling a meeting, and managing discussions.

Morgan may not have used the exact words of the claimed limitations, such as ‘priority of a risk issue’, ‘target date of resolution’, etc. , but Morgan broadly disclosed the predefined or user-defined reports may be generated. The examples (col. 4, lines 9-11) given by Morgan broadly include such reports as status / priority of risks and target dates for resolution.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Morgan’s invention to specifically include details related to reports on a status of current risks according to a priority of a risk issue and a target date for resolution of the risk issue, because these are features typically of concern in a quality plan of a product development organization and consideration of these features ensure (col. 1, lines 39-42) a true gauge of the business operations, and enable better strategic business and management decisions. Additionally, it would have been obvious, to one of ordinary skill in the art, to modify Morgan’s invention to include scheduled meetings, as (Morgan: col. 1, lines 59-61) “...there is a need for an automated activity-based management system that provides continuous, dynamic, and real-time cost information and reports” to reliably view an organization operations, and conducting meetings is only one additional manner to disseminate information useful for quality planning.

Per claim 4:

-wherein the tracking process further comprises the steps of:

-recording the identified issue within an issue storing area of the at least one database;

(Morgan: FIG. 7, col. 5, lines 58-63, “FIG. 7 provides an exemplary summary of the types of data that are input into the automated activity-based management system database. Two broad categories of inputs are possible, those entered by users and those entered and maintained by the system operators.”.)

-assigning to the issue priority, a resolution target date, and an organization member responsible;

(Morgan: Col. 7, lines 21-23, “Another kind of attribute, called value-added may be assigned to activities to indicate how crucial the activities are (priorities) with respect to serving the customer.”, col. 7, lines 54-64, “A third type of information is human resources information on employees (organization member responsible), which may include the employee name and

number, job category, and the responsibility center. In a forecasting (resolution target date) of budget-generating scenario, the automated activity based management system preferably uses historical activity information, in addition to estimated projections for certain equipment utilization, activity cost information and product volumes... The system is also capable of providing a forecast of activity information... ”)

-communicating to members of the organization actions taken to resolve the issue item.

(Morgan: Col. 4, lines 5-11, “...generate predefined or user-defined reports on a periodic basis or on demand...”)

Per claim 5:

-the recorded issue comprises a field for indicating an open date, an issue identifier, a description of the issue, and an open status.

(Morgan: Col. 7, lines 3-13, "Attributes are labels used to sort and classify data. In the automated activity based management system attributes are used to classify activities...the performance of these activities eliminates the opportunity for non-conformance and ensures quality. Another set of activities may have service attributes which indicate that these activities are related to predefined services...there are also activities that are customer-specific, and are labeled with the appropriate attributes...")

Per claim 6:

-updating the open status field to a close status for a resolved issue in the at least one database.

(Morgan: Col. 7, line 10, "service attributes")

Per claim 7:

Morgan disclosed storing important information in databases (Morgan: FIG. 7), but failed to address meetings. However Reed disclosed:

-the meeting set-up and reporting process further comprises the steps of:

(Reed: FIG. 47)

-creating a meeting record in a meeting storing area of the at least one database, the meeting record comprising a meeting place, a meeting attendee, and a meeting agenda;

(Reed: Col. 142, line 50-col. 143, line 58, "...a schedule object for setting up a meeting...")

-sending an invitation the meeting attendee; and sending a meeting report after completion of the meeting to receivers.

(Reed: Col. 142, line 50-col. 143, line 58, "...a notification element...a distribution list component to which additional recipients can be added...")

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Morgan's invention to include features of meeting set-ups, because it is merely an additional well known method of group communication.

Per claim 8:

-storing the meeting report in a reports storing area of the at least one database.

(Morgan: FIG. 7.)

Per claim 9:

-the daily headlights reporting process further comprises the steps of:

-generating headlights reports having headlights data;

(Morgan: Col. 5, lines 4-6, "The reports are customized...")

-consolidating at first predetermined frequency the headlights reports a single executive report to be distributed to an executive distribution list;

(Morgan: Col. 5, lines 4-6, "The reports are customized to provide different levels of granularity or details to cater to the needs of different levels of personnel(executive report)...")

-recording issue items in an issue memory area based on data of the executive report;

(Morgan: FIG. 7.)

-generating at a second predetermined frequency a headlight summary based on the executive reports.

(Morgan: Col. 19, lines 35-51, "USER-PROFILE REPORTING Matrix Report...for a selected management organization (executive reports) for the current month...Activity Output Report...Data Integrity Report...")

Per claim 10

-storing the executive report and the headlight summary in a reports memory area of the at least one database.

(Morgan: FIG. 7.)

Per claim 12:

-the document is a technical document associated with a software product.

(Morgan: Col. 5, lines 26-29, "For the intellectual property management organization, for example, the activities may include soliciting invention disclosures, drafting patent applications (technical document), drafting licensing agreements...")

Per claim 13:

-the inspection process further comprises the steps of:
-creating an inspection record in an inspection memory area of the at least one database, the inspection record comprising an open date, an inspection record identifier, a priority, a description of deliverable, and a target date to complete the inspection process.
(Morgan: FIG. 7, database, Col. 7, lines 25-31, "...the attributes may be used to generate reports containing information of specific activities identified by certain attributes (creating an inspection record with attributes).")

Per claim 14:

-the metrics process further comprises the steps of:
-analyzing a quality metrics report,
(Morgan: Col. 17, lines 46-50, "Product Benchmark – Enables a site to track the trend (metrics) of actual product cost versus the target product cost. Via the benchmark analyses(metrics), a site can compare the results to the lowest cost site as well as the average of all comparable sites.")
-recording the quality metrics report in a metrics memory area of the at least one database.
(Morgan: FIG. 7.)

Per claim 15:

-the metrics further comprise product metrics.

(Morgan: Col. 17, lines 26-31, "The automated activity-based management system may generate a number of different reports summarizing information for many business purposes. Examples of the types of reports available are: products...quality...service, value added...")

Per claim 17:

-the using results step further comprises the step of creating at least one quality action record in a quality actions memory area of the at least one database, the at least one quality action record comprising;

(Morgan: FIG. 7, database)

-an open date, a quality action identifier, a priority, a description of a quality action, a target date to operate the quality action.

(Morgan: Col. 18, line 48-col. 19, line 25, "Site Trend Quality Reports...quality attribute...Users can track the results of quality initiatives that have been implemented. Users can view the individual activities/costs that contribute to a selected quality attribute in order to pinpoint opportunities for quality improvements...Site Comparison Quality Reports...Consolidated Trend Quality Reports...SERVICE/PROCESS Service/Process Benchmark-Enables a site to track their trend of actual service costs. Via the benchmark analyses, a site can compare...Site Trend Service Reports...users can view the individual activities/costs that contribute to a selected standard service's cost. Site Comparison Service Reports...Consolidated Trend Service Reports...")

Per claim 18:

-determining a cause of a defect in a software being created by the product development organization, wherein the determining step is performed by determining if one or more events occurred, the one or more events being from a group of events that includes a miscommunication between members of a software development team, a software transcription error, and inadequate training of the members of the software development team.

Morgan disclosed (col.4, lines 15-28), “The automated activity-based management system of the present invention takes this traditional accounting information, along with some additional business information provided by the user, and allocates the monetary cost or dollars to the activities performed. For example, the traditional general ledger view of a computer network operation business unit maps the money spent to salaries, hardware, software, maintenance, and space. The activity-based management view maps these same expenditures to activities such as **network surveillance, network testing, technical assistance, problem resolution** (miscommunication between members of a software development team, a software transcription error, and inadequate training of the members of the software development team), **vendor interaction, and configuration changes**. Activity-based management thus provides a more realistic, operational, and meaningful view of how the money was spent.” (emphasis added) While not using the same terms as the claimed limitations, Morgan broadly disclosed that “the cause of a defect” is mapped to events related to a group of events.

Therefore, it would have been obvious, to one of ordinary skill in the art, the time of the invention, to modify the Morgan / Reed combination, to include the limitations of claim 18

because (Morgan: col. 1, lines 20-27), "...in today's service businesses and manufacturing environments, automation has substantially reduced the amount of direct material and labor consumption, so that indirect activities have become a significant factor contributing to the cost of making the product. The result gives business managers a skewed view of how the business organization spends money, which may cause them to make pricing errors, mis-allocate resources, and make strategic mistakes." Morgan did give consideration to the cause of a defect.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,799,286 to Morgan et al., in view of US Patent 6,088,717 to Reed et al., and further in view of US Patent 6,073,107 to Minkiewicz et al.

Per claim 3:

Morgan suggested consideration of (Col. 4, lines 1-2) "...employee activity information..."

However, the Morgan / Reed combination failed to disclose specific details related to:

- further comprising survey process to evaluate a contribution of a member of the organization to a quality plan wherein the evaluation of the contribution of the member is based on a difficulty of a software project,
- wherein the difficulty of the software project is based on a software timing, whether pre-existing documentation exists for the project, a scope of use of software being developed by the software project, a complexity of the software, and a number of interfaces being used by the software.

However, Minkiewicz disclosed (col. 10, lines 10-19), "The estimating step...related to the various parameters...information pertaining to various elements or items to be developed are retrieved...These include...such as production rate (timing), effort rating (difficulty of a software project), size characteristics of the elements or items such as whether new, modified, reused (whether pre-existing documentation exists for the project) as well as metric value, which could be selected from a class including source line of code, metric, function point metrics (complexity of the software) or predictive object point metric." Minkiewicz disclosed, "This diseconomy of scale (more cost per function point, SLOC or POPs as the number of function points, SLOC or POPs increases) is caused by the increased number of interfaces required (a number of interfaces being used by the software) for larger software projects. The effort rating is used to drive this exponent up since we can assume that as the complexity of the code increases as the complexity of the interfaces increases as well."

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to modify the Morgan / Reed combination, to provide more details related to evaluating contributions of members based on difficulties of the software project, as disclosed by Minkiewicz, because Morgan / Reed did disclose that consideration was given to employee activity, and (Abstract, lines 7-11) human resource information is used along with information directed to activities...to generate costs associated with activities performed by the organization. Consideration to member contributions, taking into account the difficulty of the project provides a more accurate product development quality plan. Morgan disclosed (col. 1, lines 39-42), "With

activity based costing information, managers are provided a true gauge of the business operations, and can make better strategic business and management decisions.”

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,799,286 to Morgan et al., in view of US Patent 6,088,717 to Reed et al., and further in view of US Patent 6,553,365 B1 to Summerlin et al.

Per claim 11:

Regarding the limitations:

- the documentation process further comprises the steps of:
 - classifying a document and assigning a document review workflow to the document according to whether an originator of the document is a member of the organization;
 - creating a document record in a document memory area of the at least one database.

Morgan / Reed disclosed (Morgan: Col. 5, lines 28-31), “These activity names or codes are collected in a master activity dictionary (classifying a document), which functions as a glossary of activities for all sites...”, col. 5, line 64- col. 6, line 5, “...personnel information or people mapping...identifies ...the employees including contractors, consultants, and temporary workers...The activity percentages data...represents the percentage of time spent for activities on his/ her job (account for whether employee is member of organization), col. 5, line 31, “...master activity dictionary...” Col. 6, lines 58-61, “The master activities list or dictionary is

referred to when a site user needs to identify and account (review workflow) for activities performed by a management organization...

The combination failed to specifically detail “classifying a document”. However, Summerlin disclosed (col. 3, lines 18-19), “automatic classification or categorization of computer...documents.” Summerlin understood (col. 1, lines 8-11) the “science of records management” including “classifying...as evidence of the conduct of business processes...” Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Morgan / Reed to include details related to classification of documents when (Morgan: col. 1, lines 39-42) using activity based costing information to gauge business operations to make improved strategic business and management decisions.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 3, 11, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has argued, in substance, the following:

(A) Applicant has noted, page 10, 3rd paragraph, of Remarks, received 1 November 2005, regarding claim 1, that certain limitations have not been addressed by Examiner.

Examiner's Response: The noted limitations are newly added and / or consolidated from prior claim 2. Examiner has addressed the limitations in the rejection of claim 1 above using prior art references cited in the First Office Action. The prior rejection of claim 2 is merged into the

rejection of Currently Amended claim 1. Newly cited limitations add additional detail to the ‘tracking process’ and ‘a meeting set-up and reporting process’. While Morgan may not have used the identical words cited in the limitations, he did disclose that reports may be customized to provide relevant information (tracking / identifying an issue). Morgan disclosed ‘tracking’ at col. 4, lines 40-43. The Morgan / Reed combination disclosed scheduling meetings. See rejection of claim 1 above.

(B) Applicant has noted, page 11, 1st paragraph, of Remarks, regarding claim 3, “the cited prior art does not teach...difficulty of a software project...”

Examiner’s Response: New art has been added to overcome the added limitations. See art made of record, US Patent 6,073,107 to Minkiewicz et al. Minkiewicz disclosed (col. 10, lines 10-19), “The estimating step...related to the various parameters...information pertaining to various elements or items to be developed are retrieved...These include...such as production rate (timing), effort rating (difficulty of a software project), size characteristics of the elements or items such as whether new, modified, reused (whether pre-existing documentation exists for the project) as well as metric value, which could be selected from a class including source line of code, metric, function point metrics (complexity of the software) or predictive object point metric.” Minkiewicz disclosed, “This diseconomy of scale (more cost per function point, SLOC or POPS as the number of function points, SLOC or POPs increases) is caused by the increased number of interfaces required (a number of interfaces being used by the software) for larger software projects. The effort rating is used to drive this exponent up since we can assume

that as the complexity of the code increases as the complexity of the interfaces increases as well.” See rejection of claim 3 above.

(C) Applicant has noted, page 11, 2nd paragraph, of Remarks, regarding claim 11, “cited prior art does not teach...classifying a document and assigning a document review workflow to the document according to whether an originator of the document is a member of the organization”

Examiner’s Response: Morgan broadly disclosed consideration given to member of the organization and the classification of documents. Reviews are determined with consideration of a (Morgan: col. 2, line 48) ‘people cost’. See art made of record, US Patent 6,553,365 B1 to Summerlin et al. which more specifically discloses “classifying a document.” See rejection of claim 11 above.

(D) Applicant has noted, page 11, 3rd paragraph, of Remarks, regarding claim 18, “cited prior art does not teach...determining a cause of a defect...by determining if one or more events occurred...”

Examiner’s Response: Claim 18 is newly added. Morgan disclosed (col.4, lines 15-28), “The automated activity-based management system of the present invention takes this traditional accounting information, along with some additional business information provided by the user, and allocates the monetary cost or dollars to the activities performed. For example, the traditional general ledger view of a computer network operation business unit maps the money

spent to salaries, hardware, software, maintenance, and space. The activity-based management view maps these same expenditures to activities such as **network surveillance, network testing, technical assistance, problem resolution** (miscommunication between members of a software development team, a software transcription error, and inadequate training of the members of the software development team), **vendor interaction, and configuration changes**. Activity-based management thus provides a more realistic, operational, and meaningful view of how the money was spent.” (emphasis added) While not using the same terms as the claimed limitations, Morgan broadly disclosed that “the cause of a defect” is mapped to events related to a group of events. See rejection of claim 18 above.

Conclusion

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



03/31/2005



TUAN DAM
SUPERVISORY PATENT EXAMINER